

# Prologue. The Perfect Storm

Late in 2010, the Minister for Community Development Dame Carol Kidu convened a meeting of the Decriminalisation Reference Group in her Ministry Office conference room.<sup>1</sup> It was a formidable gathering: the then Minister for Justice and Attorney General, the Secretary for Justice, the National AIDS Council Secretariat Director, United Nations and AusAID HIV project personnel, NGO representatives ... and yes, quite a few representatives of the criminal classes, in the form of gays, *Palopas* and sex sellers. The monsoon was approaching, the air-conditioning was painfully absent, but nobody cared. Everybody was listening to Dame Carol's great news.

It was the third and last term in Parliament for 'Dame,' as she is fondly and respectfully known. She did not intend to stand again, and had saved the most contentious issues on her reform agenda for this final term. During her previous terms, she had already established a semi-formal Decriminalisation Task Force to start looking into the decriminalisation of sex work and sodomy. When she was re-elected in 2007 and the National Alliance Party to which she belonged became the principal member of the governing coalition, she moved quickly to formalise the Task Force and reconstitute it as the Reference Group.

Now she told the Group how she had been trying for three years to take submissions to Cabinet, only to be rejected by the all-male pre-screening committees. Eventually though, she succeeded in an alternative strategy: Cabinet had endorsed her proposal to refer a review of the laws in question to the Constitutional and Law Reform Commission (CLRC), with instructions to undertake widespread and lengthy community consultation, and to work in conjunction with the Reference Group.

Meanwhile, she had persuaded the then Attorney-General Ano Pala MP to take an interest in another strategy: a Supreme Court case to challenge the constitutional validity of laws which criminalised consensual sex between adults in private, the sodomy laws. The Attorney-General instructed the Secretary for Justice to start immediately on preparing the case. Everyone was urged to assist by providing as much background data as possible, as soon as possible.

Outside, the atmosphere was sultry, but inside the crowded room, it was euphoric. 'Let us create a perfect storm,' said the Minister.

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<sup>1</sup> Sole female member of PNG's National Parliament since 1997 and widow of the late Sir Buri Kidu, the first and arguably the greatest national Chief Justice.

This text taken from *Name, Shame and Blame: Criminalising consensual sex in Papua New Guinea*, by Christine Stewart, published 2014 by ANU Press, The Australian National University, Canberra, Australia.